

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ALLEN D. HUDSON,

Defendant-Appellant.

UNPUBLISHED

April 1, 2003

No. 237505

Oakland Circuit Court

LC No. 01-177436-FH

Before: Griffin, P.J., and Neff and Gage, JJ.

PER CURIAM.

Defendant appeals as of right his bench trial conviction for first-degree home invasion, MCL 750.110a(2). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant challenges the limitation on appellate review of sentences imposed by MCL 769.34(10). Defendant failed to raise this issue below and review is limited to plain error. *People v Carines*, 460 Mich 750, 764; 597 NW2d 130 (1999). Given defendant's record, there is no showing that the Court would find an abuse of sentencing discretion, even if proportionality review were to be employed. There is no plain error.

The Legislature has the power to determine the parameters of a sentence. *People v Hegwood*, 465 Mich 432; 636 NW2d 127 (2001). The ultimate authority to provide penalties for criminal offenses is vested in the Legislature. Const 1963, art 4, § 45. A judge's discretion to depart from the range stated in the guidelines statute is limited by those circumstances in which such a departure is allowed by the Legislature. *Hegwood, supra* at 439.

The right to appeal is strictly a matter of legislative prerogative, and it is solely within the Legislature's province to determine in what cases, under what circumstances, and from what courts appeals may be taken. *People v Coles*, 417 Mich 523, 533; 339 NW2d 440 (1983). The Legislature did not intend to incorporate the principle of proportionality into the new sentencing review framework. *People v Babcock*, 244 Mich App 64, 78; 624 NW2d 479 (2000). The Legislature did not infringe on the constitutional power of the judiciary by eliminating appellate proportionality review of sentences within the guidelines range. *Id.* at 71-73.

In his supplemental brief filed in propria persona, defendant appears to argue that error requiring reversal occurred because of an alleged technical defect in the information or amended

information. However, because defendant does not cite any authority in support of this argument, we consider it abandoned. *People v Canter*, 199 Mich App 550, 563-564; 496 NW2d 336 (1992); *People v Sowders*, 164 Mich App 36, 49; 417 NW2d 78 (1987).

Affirmed.

/s/ Richard Allen Griffin

/s/ Janet T. Neff

/s/ Hilda R. Gage